

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
JULY 27, 2000**

PRESENT: James R. Imhoff, Richard Hinsman, Bettye Lawrence, Jerome Nelson, and Richard Kollmansberger

EXCUSED: Harold Lee and Nancy Gerrard

STAFF PRESENT: Cletus Hansen (by telephone), Bill Dusso, and Jan Neitzel; Barb Showers and Casey Brown, Office of Examinations; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:12 a.m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

MOTION: Jerry Nelson moved, seconded by Dick Hinsman, to adopt the agenda as published. Motion carried unanimously.

MINUTES (5/25/00)

MOTION: Bettye Lawrence moved, seconded by Dick Kollmansberger, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings had a prior commitment and was unable to meet with the Board.

Division Administrator's Report

- Board Roster - The Board received a copy of the July 2000 roster.
- Meeting Dates for 2000 and 2001 - The Board received a list of the 2000 and 2001 meeting dates.

MOTION: Dick Hinsman moved, seconded by Bettye Lawrence, to accept the 2001 meeting dates. Motion carried unanimously.

- Screening Statistics - The Board received a copy of the May 25, 2000, and the June 22, 2000, screening statistics.

LEGISLATIVE UPDATE

Nothing to report.

ADMINISTRATIVE RULES

Public Hearing at 10:15 a.m.

A public hearing was held at 10:15 a.m. regarding Clearinghouse Rule 00-105, relating to real estate education requirements. Written comments will be accepted through August 14, 2000.

Rick Staff, WRA, presented testimony in support of the rules and suggested a few technical revisions.

The Board clarified several provisions in the proposal.

The public hearing concluded at 10:50 a.m.

MOTION: Dick Kollmansberger moved, seconded by Dick Hinsman, to proceed with the administrative rulemaking process and to only bring the rule draft back to the Board if any changes are made to the draft following any written comments received through August 14, 2000. Motion carried unanimously.

REPORT OF THE CONTRACTUAL FORMS ADVISORY COMMITTEE

Option to Purchase and Simultaneous Exchange Agreement

MOTION: Jerry Nelson moved, seconded by Bettye Lawrence, to recommend approval of the Option to Purchase Agreement. Motion carried unanimously.

MOTION: Jerry Nelson moved, seconded by Bettye Lawrence, to recommend approval of the Simultaneous Exchange Agreement. Motion carried unanimously.

Business Listing and Offer

Clete Hansen stated that the Real Estate Contractual Forms Committee will meet September 15, 2000, to review the Exclusive Listing Contract for Lease of Residential Property and the Business Listing and Offer to Purchase.

Clete Hansen reported that he will be sending the timeshare forms to timeshare agents in the near future.

EXAMINATIONS

Barb Showers and Casey Brown, Office of Examinations, explained the task analysis process. Volunteers from the real estate broker profession will be needed to help with task analysis for the broker's examination.

Dick Hinsman recommended inviting representatives from throughout the state to participate in the task analysis.

Clete Hansen stated that, if the task analysis were to result in changes to the contents of the exam, RL 25 would need to be revised to correspond with the results of the task analysis.

NEW BUSINESS

Jim Imhoff reported that he has been speaking around the state on buyer/agency issues.

The Council on Real Estate Curriculum and Examinations will meet September 28, 2000, after the Board meeting.

PUBLIC COMMENT

None.

MISCELLANEOUS CORRESPONDENCE

Full Disclosure of Loan Origination Fee

The Board discussed Bill Dusso's letter dated June 19, 2000, to George Klover, Sheboygan, relating to full disclosure of a loan origination fee or other compensation and the consent of other parties to the transaction.

Expert Witness Ethics Issue

The Board discussed Bill Dusso's memo dated July 13, 2000, advising that a Board member in the Department should not agree to serve as an expert witness in a judicial matter without first obtaining an opinion from the Ethics Board that the particular case would not result in a violation of the Ethics Code.

RECESS TO CLOSED SESSION

MOTION: Dick Kollmansberger moved, seconded by Dick Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, stipulations, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Dick Hinsman-yes; Dick Kollmansberger-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 11:03 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, monitoring issues, a private letter of warning, and administrative warnings.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to adjourn the Closed Session and to reconvene in Open Session at 11:33 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Jerry Nelson moved, seconded by Dick Kollmansberger, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

97 REB 315	P3
98 REB 010	P1
98 REB 039	P3
98 REB 335	P5
99 REB 177	Insufficient evidence
99 REB 207	P1
99 REB 210	P3
99 REB 224	No violation
99 REB 298	Insufficient evidence
99 REB 314	No violation
99 REB 317	No violation
99 REB 321	Insufficient evidence
99 REB 331	No violation
99 REB 334	Insufficient evidence
99 REB 335	Insufficient evidence
00 REB 004	P5
00 REB 004	No violation
00 REB 004	No violation
99 REB 367	Insufficient evidence

ADMINISTRATIVE WARNINGS

The Board requested that the policies and procedures relating to administrative warnings be included as an agenda item for the August 24, 2000, Board meeting.

Jan Boeker-Below (Iron Ridge, WI)

MOTION: Jerry Nelson moved, seconded by Richard Kollmansberger, to issue an administrative warning to Jan Boeker-Below. Motion carried unanimously.

PRIVATE LETTER OF WARNING

99 REB 121

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to issue a private letter of warning to the respondent listed in case 99 REB 121. Motion carried unanimously.

STIPULATIONS

William O. Oestreich (Loyal, WI)

MOTION: Dick Kollmansberger moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving William O. Oestreich. Motion carried unanimously.

James P. Vilstrup (Pardeeville, WI)

MOTION: Bettye Lawrence moved, seconded by Dick Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving James P. Vilstrup. Motion carried unanimously.

Harold C. Peterson (Green Bay, WI)

MOTION: Jerry Nelson moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Harold C. Peterson. Motion carried unanimously.

Thomas D. Malone (Milwaukee, WI)

MOTION: Dick Kollmansberger moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Thomas D. Malone. Motion carried unanimously.

Dominic W. Goodman III (Dubuque, IA)

MOTION: Bettye Lawrence moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Dominic W. Goodman III. Motion carried unanimously.

MONITORING REPORT

Thomas Warmington (Brookfield, WI)

MOTION: Jerry Nelson moved, seconded by Dick Kollmansberger, to accept Mr. Stefaniak as the supervising broker for Thomas Warmington. Motion carried unanimously.

Ricky Davenport (Milwaukee, WI)

MOTION: Dick Hinsman moved, seconded by Jerry Nelson, to revoke the license of Ricky Davenport. Motion carried unanimously.

Alice Yoder Whitmore (Mosinee, WI)

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to grant the requested extension of time, until August 31, 2000, to complete the education course. Motion carried unanimously.

David Neuville (Sturgeon Bay, WI)

MOTION: Dick Hinsman moved, seconded by Jerry Nelson, to grant the requested 3-month stay of suspension, as requested. Motion carried unanimously.

Walter Plaskey (Wisconsin Dells, WI)

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to grant an unlimited license of Walter Plaskey. Motion carried unanimously.

Petition For Review of Donald H. Mueller (Milwaukee, WI)

Bill Dusso reported that Donald H. Mueller has petitioned the Circuit Court to review the Board's decision. The Department has requested representation from the Office of the Attorney General.

ADJOURNMENT

MOTION: Jerry Nelson moved, seconded by Dick Hinsman, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:37 a.m.